Union Complaints Procedure

**Glossary of Terms**

Complainant: The person (or group of people) making the complaint

Complainee: the person subject of the complaint and being complained about

Investigator: Person who carries out an inquiry into the complaint

Deciding Officer: The person who makes the ruling decision on the complaint

**1.0 Adoption of the Policy**

* 1. This policy was adopted by the Union of Students Executive Team in August 2020 and will be reviewed every 2 years. This policy works alongside our Standing Order 6 and 7.

**2.0 Policy Summary**

2.1 Any Full Member, or student eligible for Full Membership but who has exercised the right not to be a member in accordance with the Education Act 1994, shall be entitled to submit a complaint about unfair or unreasonable treatment in accordance with 2.2.

2.2 This procedure applies to all students and external people wishing to make a complaint about:

* Students who are valid Elected Representatives – Full and Part Time Officers, Programme Representatives, Sport Committee Members, Society Committee Members, Sport Council Members, Society Council Members
* Students who hold a valid Union Membership to a Sports Club, Society and/or Student Led Service
* Students who are carrying out a Volunteering opportunity through the Union.

2.3 The aim of this procedure is to clarify procedures if groups and individuals are found to be in breach of the Student, Volunteering or Sport Code of Conduct or Union policies and procedures.

2.4 If it is believed that standards are lacking or a breach of conduct is suspected to have occurred, this procedure seeks to ensure there is a fair and systematic approach to investigating these matters and taking appropriate corrective action.

2.5 Standards of Conduct are, though not exclusively, those defined by the Union’s policies, legal requirements and Student, Volunteering and Sport Code of Conduct.

**3.0 Informal Procedure**

3.1 The Union of Students reserves the right to refer any complaint to an informal procedure if there is no sufficient evidence to show that there has been an attempt to resolve it informally by the complainant.

3.2 All complaints will begin with an informal discussion between you and a member of the Union team aimed at resolving your concerns in the first instance. A student or group of students should therefore bring the matter to the Co-ordinator responsible for the activity or event in question.

3.3 An informal complaint can be resolved by an informal discussion, mediation or by another way that is deemed appropriate.

3.4 The recipient of the informal complaint is responsible for responding to the complainant promptly and fairly, normally within seven working days not including days when the University and Union is closed.

3.5 If the student group or individual fails to improve, or the complainant remains unsatisfied, the formal procedure, as outlined below, can commence.

**4.0 Formal Procedure**

**4.1 Submitting the Complaint**

4.1.1 To start the formal stage of the procedure you must submit a completed Complaints Form (Appendix A).

4.1.2 When completed this should be sent electronically to president@derbyunion.co.uk, or should the complaint be in relation to the President then the form should be emailed to one of the other Officer Trustee’s. The President reserves the right to assign another Officer Trustee to act as Deciding Officer on their behalf.

4.1.3 The Complaints Form should indicate why the complainant is dissatisfied with the outcome of the Informal Procedure and what outcome is sought from the Formal Procedure.

4.1.4 The Union will send an acknowledgment of the receipt of the complaint within 5 working days. (Not including days when the University and Union is closed).

4.1.5 The recipient of the complaint shall

1. decide that the complaint is not within the scope of this procedure and recommend it is dealt with by other means.

 or

 b) decide that there is justification for the complaint and refer it to an investigation

4.1.6 The Deciding Officer will send a response to the complainant outlining whether the complaint will be referred to an investigation or will be rejected with recommendations of an alternative solution. This will be sent out within 3 working days of issuing your complaint receipt.

4.1.7 If the complaint is referred for further investigation, the Deciding Officer will contact the complainee informing them that a complaint has been made against them, what the nature of the complaint is and that it has been referred to an investigation.

*NB: The Deciding Officer will not share any personal information with the complainant or any witnesses with the complainee at this stage, but they will briefly outline what the complaint is about to them. For more information on confidentially see Appendix C.*

**4.2 Investigation of the Complaint**

4.2.1 An investigator will be appointed by the Deciding Officer. The investigator will be an appropriate Union staff member who has no prior involvement of the complaint. This could be a co-ordinator, manager or senior manager.

4.2.2 The investigation may include interviewing witnesses, taking witness statements, viewing social media communications, reviewing images and videos and viewing CCTV when it is available to do so.

4.2.3 The investigator will contact the complainee, the complainant and any witnesses listed in the complaint during the investigating process.

4.2.3 The investigator appointed will collate all available factual evidence in a fair and unbiased manner, following the Complaints Procedure Investigator Guidance.

4.2.4 The investigator will produce a Complaints Procedure Investigator Report. The Deciding Officer will receive the full report from the investigator.

4.2.5 The Deciding Officer shall decide

 a) No further action is taken, and matter is closed

**or**

 b) The complaint is accepted in whole or in part, and a disciplinary hearing is arranged.

4.2.6 A written of the outcome of the investigation will be sent electronically to the complainant and complainee within 15 working days of the complaint being referred to an investigation. Not including days when the University or Union is closed. If this timescale cannot be adhered to, all parties shall be notified.

4.2.7 If the complaint is upheld, it will be automatically referred to the Disciplinary Procedure.

**5.0 Appeals**

5.1 If the complainant is dissatisfied with the decision at the Formal Procedure, then they may appeal to a panel of the Board of Trustees within 10 working days.

5.2 The following are the only permissible grounds for an appeal:

* + 1. that there was a procedural irregularity which materially affected the outcome from Stage Two – The Formal Stage;
		2. that the decision reached was not supported by the evidence provided;
		3. that relevant evidence, that could not previously be made available, has subsequently emerged.

5.3 A complainant wishing to appeal a decision taken at Stage Two – The Formal Stage is required to submit an Complaint Appeal Form (Appendix B), including all relevant documents, electronically to the Chief Executive at victoria.hossack@derbyunion.co.uk within ten working days of receipt of the decision taken at Stage 2. On receipt of the Complaint Appeal Form the Chief Executive will determine if permissible grounds for an appeal have been satisfied. The form is available from the Union’s Website.

**Appendix 1**

**COMPLAINTS FORM**

This form is to be completed in support of complaints made by students in accordance with the **Procedure for Complaints Against the Union**. Please read this before completing this form. You should especially note that it is expected that you first attempt to resolve the complaint informally. If you remain dissatisfied you should submit this Complaints Form. Complaints received in any other format will not be accepted for consideration and you will be advised to complete a pro forma.

**In investigating your complaint we will take every care to safeguard your privacy and confidentiality. For more information on our approach to confidentiality please see Appendix C.**

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| 1. Personal DetailsYour Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Student Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_College: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Programme of Study:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Contact Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Contact Telephone Number: \_\_\_\_\_\_\_\_\_ Contact e-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date/s of event(s) or incident (s) about which you are complaining: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| 2. My Formal Complaint Add additional sheets as necessary |

N.B. Should you wish to utilise additional supporting documentation, please attach these to this form

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| 3. Informal Complaint Details Please summarise your attempts to resolve your complaint informally: |

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| 4. Outcome Sought to the Complaint  You should indicate the outcome you seek in making this complaint N.B. You are asked to note that this is your preference only, and places no restriction on the outcome of the operation of the Complaints Procedure.  |

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| 5. Documentation AttachedPlease list any documents supplied in the space below and attach to this form. |

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| 6. Name and Position of the Person to whom the Complaint is submitted   |

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| 7. Data Protection**I give my consent for any information contained in this pro forma and attached documents, and personal data held elsewhere within the Union, to be shared with relevant members of Union staff and Officer Trustees on a ‘need to know basis’ as part of the investigation into my complaint.****I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.**Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­ Date: ­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Please note:

 Should you require advice or assistance in completing this form, or in relation to any other aspect of the Complaints Procedure, this may be obtained from Victoria.hossack@derbyunion.co.uk

Please submit the completed Complaints Form to president@derbyunion.co.uk

The Procedure for Complaints Against the Union is available online on the Union website [www.derbyunion.co.uk/feedback](http://www.derbyunion.co.uk/feedback)

**Appendix B**

**COMPLAINTS APPEAL FORM**

This form is to be completed to appeal an outcome of complaint made by students in accordance with the **Procedure for Complaints Against the Union**. Please read this before completing this form. You should especially note that it is expected that you are able to provide additional information relating to your complaint for the appeal to be considered.

In investigating your appeal of an outcome of complaint we will take every care to safeguard your privacy and confidentiality.  Please see Appendix C for more information.

**When submitting this form please ensure you have included your original COMPLAINT FORM plus ANY ADDITIONAL INFORMATION YOU MAY HAVE IN RELATION TO YOUR COMPLAINT.**

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| 1. Personal DetailsYour Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Student Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_College: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Programme of Study:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Contact Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Contact Telephone Number: \_\_\_\_\_\_\_\_\_ Contact e-mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date/s of event(s) or incident (s) about which you are complaining: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| 2. Reason for appeal:*This might be due to the process not being followed, the complaint investigator demonstrating bias or that you have found additional information to support your original complaint which was not initially available.**Please aim to include as much information as possible.* |

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| 3. Data Protection**I give my consent for any information contained in this form and attached documents, and personal data held elsewhere within the Union, to be shared with relevant members of Union staff and Officer Trustees on a ‘need to know basis’ as part of the investigation into my complaint.****I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.**Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­ Date: ­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Please note:

 Should you require advice or assistance in completing this form, or in relation to any other aspect of the Complaints Procedure, this may be obtained from Victoria.hossack@derbyunion.co.uk.

Please submit the completed Complaints Form to president@derbyunion.co.uk

The Procedure for Complaints Against the Union is available online on the Union website www.derbyunion.co.uk/feedback

**Appendix C**

**Confidentiality Statement**

The Union will uphold confidentiality of the complainant and the complaineee throughout the complaints and investigation process. The outcome of the any subsequent disciplinary investigation shall remain confidential to the complainee and those involved in the disciplinary panel only and will not be disclosed to other parties. Any breach of confidentiality by any party shall be considered a serious breach of conduct and may lead to disciplinary action.

The Union will carefully consider the complainants request for anonymity through the process. In considering whether witness statements should be anonymous, consideration shall be given to balancing the interests of the parties, the need to protect informants and the right of the student complainee to a fair hearing.

To assist a fair process:

* All witness statements should be in writing (these may be edited to remove names and preserve anonymity in consultation with the complainant) and will be made available to the complainee and their representatives.
* Statements need to be accurate with regard to date, time and place of each incident, observations and any other relevant details.
* The complainant and complainee should provide any corroborative evidence
* If at any stage in the process the complainee raises issues to be put to the complainant then the Union will consider an adjournment so the relevant question can be put.